

NOTICE OF PUBLICATION BAN

In the College of Physicians and Surgeons of Ontario and Dr. Tetyana Yaremivna Hurmatov, this is notice that the Discipline Committee ordered that no person shall publish or broadcast the identity of patients or any information that could disclose the identity of patients referred to orally or in the exhibits filed at the hearing under subsection 45(3) of the Health Professions Procedural Code (the “Code”), which is Schedule 2 to the *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18, as amended.

Subsection 93(1) of the Code, which is concerned with failure to comply with these orders, reads:

Every person who contravenes an order made under ... section 45 ... is guilty of an offence and on conviction is liable,

(a) in the case of an individual to a fine of not more than \$25,000 for a first offence and not more than \$50,000 for a second or subsequent offence; or

(b) in the case of a corporation to a fine of not more than \$50,000 for a first offence and not more than \$200,000 for a second or subsequent offence.

**Indexed as: Ontario (College of Physicians and Surgeons of Ontario) v. Hurmatov,
2019 ONCPSD 42**

**THE DISCIPLINE COMMITTEE OF THE COLLEGE
OF PHYSICIANS AND SURGEONS OF ONTARIO**

IN THE MATTER OF a Hearing directed by
the Inquiries, Complaints and Reports Committee of the College of Physicians and Surgeons of Ontario
pursuant to Section 26(1) of the **Health Professions Procedural Code**
being Schedule 2 of the *Regulated Health Professions Act, 1991*,
S.O. 1991, c. 18, as amended.

B E T W E E N:

THE COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO

- and -

DR. TETYANA YAREMIVNA HURMATOV

PANEL MEMBERS:

**DR. J. WATTERS
MS. C. TEBBUTT
DR. R. SHEPPARD
MR. M. KANJI
DR. D. HELLYER**

COUNSEL FOR THE COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO:

MS. EMILY GRAHAM

COUNSEL FOR DR HURMATOV:

MR. COLIN JOHNSTON

INDEPENDENT COUNSEL FOR THE DISCIPLINE COMMITTEE:

MS. JENNIFER MCALEER

PUBLICATION BAN

Hearing Date:	July 22, 2019
Decision Date:	July 22, 2019
Release of Reasons Date:	September 16, 2019

DECISION AND REASONS FOR DECISION

The Discipline Committee (the “Committee”) of the College of Physicians and Surgeons of Ontario heard this matter at Toronto on July 22, 2019. At the conclusion of the hearing, the Committee released a written order stating its finding that Dr. Hurmatov committed an act of professional misconduct, and setting out its penalty and costs order with written reasons to follow.

THE ALLEGATIONS

The Notice of Hearing alleged that Dr. Hurmatov committed an act of professional misconduct:

1. under paragraph 1(1)2 of Ontario Regulation 856/93 made under the *Medicine Act, 1991* (“O. Reg. 856/93), in that she has failed to maintain the standard of practice of the profession; and
2. under paragraph 1(1)33 of O. Reg. 856/93, in that she has engaged in an act or omission relevant to the practice of medicine that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional.

It was also alleged that that Dr. Hurmatov is incompetent as defined by subsection 52(1) of the Health Professions Procedural Code (the “Code”), which is Schedule 2 to the *Regulated Health Professions Act, 1991*.

RESPONSE TO THE ALLEGATIONS

Dr. Hurmatov admitted the allegations in the Notice of Hearing, that she has failed to maintain the standard of practice of the profession, and has engaged in an act or omission relevant to the practice of medicine that, having regard to all circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional. The College withdrew the allegation of incompetence in the Notice of Hearing.

THE FACTS

The following facts were set out in an Agreed Statement of Facts and Admission (Liability):

A. Background

1. Dr. Hurmatov is 41 years old, and practices family medicine in St. Catharines, Ontario. She received her certificate of registration authorizing independent practice from the College in 2010.

B. Information from the Narcotics Monitoring System

2. In October 2016, the College received information from the Ministry of Health and Long-Term Care's Narcotics Monitoring System regarding Dr. Hurmatov's prescribing of controlled drugs, including narcotics, from January 1, 2015 to December 31, 2015 (the "NMS data").

3. The NMS data indicated that Dr. Hurmatov had been identified as a physician who, in 2015, had eight or more patients receiving at least 650 oral morphine equivalents ("OMEs") per day, and who had issued at least one prescription exceeding 20,000 OMEs.

C. Investigation of Dr. Hurmatov's Practice

4. The College retained Dr. Andrew Grant to opine on Dr. Hurmatov's prescribing of controlled substances, with a specific focus on the use of opioids for non-cancer pain. His report is attached at Tab 1 to the Agreed Statement of Facts and Admission (Liability). Dr. Grant identified a number of issues with Dr. Hurmatov's opioid prescribing:

- a) Dr. Hurmatov prescribed a high-dose opioid to a patient attempting to get pregnant;
- b) Dr. Hurmatov provided a patient with dosing instructions for use of high-dose long-acting opioids on an as-needed ("PRN") basis, leading to large dose fluctuations with no gradual titration upwards;
- c) Patients self-escalated their opioid doses, contrary to signed opioid

contracts which stated that patients were only to take opioids at the doses prescribed by Dr. Hurmatov. Although Dr. Hurmatov did warn some patients not to self-escalate their dose, in some other cases Dr. Hurmatov responded by increasing the dose of prescribed opioid to the amount that the patient had achieved by self-escalation;

d) Dr. Hurmatov's poor interpretation of urine drug screen results. In six cases, Dr. Hurmatov continued prescribing high dose opiates in the setting of urine drug screen results that were significantly abnormal and that potentially indicated drug addiction and/or diversion;

e) Dr. Hurmatov concurrently prescribed large dose immediate release opioids in addition to large dose controlled release opioids, indicating a lack of knowledge about the appropriate use and dosing of short acting opioids;

f) In three cases, Dr. Hurmatov rotated patients' opioids at high doses, without reducing the morphine equivalent dose of the new opioid to account for lack of tolerance;

g) There was poor tracking of patients' opioid renewal dates, inappropriate early refills, and lack of oversight with respect to patients' accumulation of surplus high dose opioids;

h) Dr. Hurmatov frequently used controlled release opioids at a shorter dosing interval than recommended (i.e. with TID or QID dosing);

i) Dr. Hurmatov co-prescribed benzodiazepines with high dose opioids; and

j) Dr. Hurmatov rapidly escalated patients' doses of controlled release opioids.

5. The College also retained Dr. Linda Klapwyk to provide an opinion as to Dr. Hurmatov's prescribing practices, other than with respect to her opioid prescribing. Her report is attached at Tab 2 to the Agreed Statement of Facts and Admission (Liability). Dr. Klapwyk expressed a number of concerns with respect to Dr. Hurmatov's prescribing:

a) Concomitant prescribing of benzodiazepines with high-dose opioids, which may result in profound sedation, respiratory depression, coma, and death,

and which should very rarely be prescribed together;

- b) Prescribing of benzodiazepines in high doses and for long periods of time;
- c) Combining central nervous system depressants such as anticonvulsants, antipsychotics, hypnotics, and skeletal muscle relaxants with opioids;
- d) Inappropriate prescribing of stimulants to address complaints of fatigue and sedation in patients to whom central nervous system depressants had also been prescribed;
- e) Prescribing Olanzapine, an atypical antipsychotic indicated for schizophrenia or bipolar disorder, for sleep in a patient who was overmedicated, at risk for respiratory depression, and did not have an indication for an Olanzapine prescription other than sedation as there was no documentation of schizophrenia or bipolar disorder;
- f) Failure to reduce patients' prescriptions for sedatives despite documentation of side-effects or harm such as sedation, fatigue, and impaired cognition.

D. Self-prescribing and self-treatment

6. Between 2011 and 2017, Dr. Hurmatov wrote numerous prescriptions in her name and the name of her clinic for her own use and/or which she used, and treating herself between approximately 2011 and 2017, including for narcotics and controlled substances:

- a) Dr. Hurmatov started herself on Cipralex 10mg in January 2011;
- b) In the fall of 2011, Dr. Hurmatov injected herself with Juvederm hydrate. She obtained the filler over the Internet from Ireland. She developed facial edema and neck swelling, which she self-treated with Prednisone, subsequent injections of Kenalog and Hyaluronidase, Lasix, antibiotics, Percocet, and Tylenol #1. Dr. Hurmatov developed adrenal insufficiency with Cushingoid appearance due to self-administering cortisone injections;
- c) In December 2011, Dr. Hurmatov was started on Pristiq 50mg per day by

another physician. Dr. Hurmatov increased the Pristiq to 100mg on her own, and later lowered it back down to 50 mg;

d) In January 2012, Dr. Hurmatov started herself on Temazepam and Atenolol;

e) In March 2012, Dr. Hurmatov began self-prescribing Dilaudid 2 mg. She sourced the Dilaudid, an opioid, from tablets returned by a patient. She also gave herself Xylocaine occipital nerve blocks;

f) In June 2013 and April 2014, Dr. Hurmatov took Nootropil that she had ordered online, to help relax and as a memory aid;

g) In March 2014, Dr. Hurmatov had some sleep problems which she attempted to self-treat by taking extra amounts of Clonazepam;

h) By 2017, Dr. Hurmatov had been prescribed Cymbalta 30 mg and Zopiclone 7.5 mg by another physician. She increased the Cymbalta to 60 mg and the Zopiclone to 15 mg without a physician's approval;

i) In June 2017, the College received information from the NMS that Dr. Hurmatov prescribed benzodiazepines to herself between March 2013 and April 2017, as follows:

Date	Drug	Quantity	Days' Supply
2013/03/14	Ativan Sublingual/1mg/SL Tab	30.0	5
2014/03/24	Apo-Lorazepam Sublingual/1mg/SL Tab	30.0	30
2014/07/28	Apo-Lorazepam Sublingual/1mg/SL Tab	30.0	30
2014/08/19	Apo-Lorazepam Sublingual/1mg/SL Tab	30.0	30
2014/09/08	Apo-Lorazepam Sublingual/1mg/SL Tab	30.0	30
2014/09/30	Apo-Lorazepam Sublingual/1mg/SL Tab	30.0	30
2014/10/20	Apo-Lorazepam Sublingual/1mg/SL Tab	30.0	30
2015/01/05	Apo-Lorazepam Sublingual/1mg/SL Tab	30.0	30
2015/03/09	Apo-Lorazepam Sublingual/1mg/SL Tab	30.0	30
2015/05/04	Apo-Lorazepam Sublingual/1mg/SL Tab	30.0	10
2015/06/12	Apo-Lorazepam Sublingual/1mg/SL Tab	30.0	10
2015/07/23	Apo-Lorazepam Sublingual/1mg/SL Tab	30.0	10
2015/11/09	Apo-Lorazepam Sublingual/1mg/SL Tab	30.0	10
2015/12/09	Apo-Lorazepam Sublingual/1mg/SL Tab	30.0	10
2016/02/11	Apo-Lorazepam Sublingual/1mg/SL Tab	30.0	30

Date	Drug	Quantity	Days' Supply
2016/03/11	Apo-Lorazepam Sublingual/1mg/SL Tab	30.0	30
2016/06/20	Apo-Lorazepam Sublingual/1mg/SL Tab	30.0	10
2016/07/04	Apo-Lorazepam Sublingual/1mg/SL Tab	30.0	10
2016/07/19	Apo-Lorazepam Sublingual/1mg/SL Tab	30.0	10
2016/08/03	Apo-Lorazepam Sublingual/1mg/SL Tab	30.0	10
2016/08/25	Apo-Lorazepam Sublingual/1mg/SL Tab	30.0	10
2016/10/08	Apo-Lorazepam Sublingual/1mg/SL Tab	30.0	10
2016/10/28	Apo-Clonazepam/2mg/Tab	12.0	10
2016/11/08	Apo-Lorazepam Sublingual/1mg/SL Tab	30.0	10
2016/11/25	Apo-Lorazepam Sublingual/1mg/SL Tab	30.0	10
2017/01/09	Apo-Lorazepam Sublingual/1mg/SL Tab	30.0	10
2017/03/15	Apo-Lorazepam Sublingual/1mg/SL Tab	30.0	10
2017/03/21	Apo-Lorazepam Sublingual/1mg/SL Tab	30.0	10
2017/04/27	Apo-Lorazepam/2mg/Tab	15.0	5

j) In addition to writing herself prescriptions for benzodiazepines as set out above, Dr. Hurmatov also self-prescribed other medications, as follows:

Date	Drug Name
14-Jan-2015	CAP Prometrium 100mg
15-Mar-2016	CAP Prometrium 100mg
15-Apr-2016	TAB Apo-Sumatriptan 100mg
10-Jun-2016	TAB Apo-Eletriptan 20mg
29-Jul-2016	TAB Apo-Sumatriptan 100mg
15-Mar-2016	GM Estrogel 0.06%
18-Mar-2016	TAB Cytomel 25mcg
10-Feb-2017	CAP Prometrium 100mg

7. Dr. Hurmatov's self-prescribing took place in the context of depression and anxiety. Since February 2018, Dr. Hurmatov has been under the treatment of a physician, and there have been no further issues with self-prescribing.

E. Treatment of Family Members

8. Between 2011 and 2017, Dr. Hurmatov wrote prescriptions for and treated members of her immediate family, as follows:

a) Family Member A:

Date	Drug Name	Quantity
17-Oct-2011	TAB Dexedrine 5mg	20
04-Feb-2013	CAP Tamiflu 75mg	10
29-Jul-2015	CAP Apo-Minocycline	30
29-Jul-2015	TAB Apo-Indapamide 2.5mg	20
21-Sep-2016	GM Fiducin Cream 2%	60

b) Family Member B:

Date	Drug Name	Quantity
02-Oct-2014	ML Apo-Amoxi Oral Susp 125mg/5ml	100
02-Oct-2014	ML Apo-Amoxi Oral Susp 125mg/5ml	100
27-Sep-2016	DOS Omnaris 50mcg/act	120

c) Family Member C:

Date	Drug Name	Quantity
04-Feb-2013	CAP Tamiflu 45mg	10

d) Family Member D:

Date	Drug Name	Quantity
30-Jan-2012	POW Pms-Azithromycin 200mg/5ml	15
30-Jan-2012	ML Sandoz-Azithromycin 200mg/5ml	15
07-Apr-2015	ML Apo-Amoxi Oral Susp (Sugar Free) 125mg/5ml	100
10-Nov-2015	ML Apo-Amoxi Oral Susp (Sugar Free) 125mg/5ml	100
03-Dec-2016	ML Apo-Amoxi Oral Susp 125mg/5ml	150
06-Feb-2017	ML Apo-Amoxi Oral Susp 125mg/5ml	150

e) Family Member E:

Date	Drug Name	Quantity
04-Feb-2013	TAB Apo-Cefprozil 500mg	20
04-Feb-2013	CAP Tamiflu 75mg	10
22-Feb-2013	STR Oracle Test Strips	100
22-Mar-2013	TAB Co-Rizatriptan ODT 10mg	10
22-Mar-2013	TAB Pms-Metopramide 10mg	30
25-Mar-2013	WAF Maxalt RPD 10mg	6
15-Apr-2013	WAF Maxalt RPD 10mg	12
07-Sep-2013	DOS Nitrolingual Pumpspray 0.4mg	200
07-Sep-2013	DOS Ventolin HFA 100mcg	200
02-Nov-2013	TAB Apo-Valacyclovir 500mg	30
21-Nov-2013	TAB Apo-Valacyclovir 500mg	60
28-Aug-2014	CAP Apo-Amoxi 500mg	21
02-Mar-2015	TAB Apo-Escitalopram 20mg	180

Date	Drug Name	Quantity
09-Jun-2015	TAB Mylan-Ciprofloxacin 500mg	28
02-Oct-2015	CAP Mylan-Minocycline 100mg	20
15-Oct-2015	TAB Mylan-Ciprofloxacin 500mg	20
11-Feb-2016	GM Anusol-HC Ointment	30
01-Mar-2016	CAP Apo-Amoxl 500mg	30
18-Mar-2016	TAB Apo-Atenol 50mg	90
21-May-2016	GM Anusol-HC Ointment	60
16-Jun-2016	ML Apo-Olopatadine 0.1%	5
16-Jun-2016	TAB-Mylan-Baclofen 20mg	60
16-Jun-2016	TAB Apo-Metoprolol (L) 100mg	200
16-Jun-2016	TAB Novo-Rabeprazole EC 20mg	100
18-Mar-2016	CAP Creon 25	100
07-Jul-2016	CAP Creon 25	270
03-Aug-2016	TAB Pms-Ciprofloxacin XL 500mg	20
24-Aug-2016	TAB Novo-Lexin 500mg	40
09-Sep-2016	GM Taro-Mometasone 0.1%	60
09-Sep-2016	GM Ketoderm Cream 2%	60
09-Sep-2016	TAB Novo-Semide 40mg	30
13-Sep-2016	CAP Xenical 120mg	84
19-Sep-2016	TAB Teva-Almotriptan 12.5mg	6
19-Sep-2016	CAP Apo-Amoxi 500mg	40
26-Mar-2016	TAB Glucobay 10mg	120
26-Mar-2016	TAB Apo-Metformin 500mg	300
22-Sep-2016	GM Fucidin Cream 2%	90
09-Sep-2016	TAB Mylan-Baclofen 20mg	60
09-Sep-2016	ML Ratio-Ectosone Scalp Lotion 0.1%	150
12-Oct-2016	TAB Apo-Baclofen 20mg	180
22-Nov-2016	CAP Apo-Amoxi 500mg	30
03-Dec-2016	TAB Apo-Amoxi Clav 875/125 875/125mg	20
15-Dec-2016	TAB Novo-Sucralate 1gm	60
15-Dec-2016	TAB Pantoprazole Magnesium 40 mg	100
20-Dec-2016	TAB Acto-Clarithromycin XL 500 mg	20
09-Sep-2016	DOS Apo-Ciclesonide 50mcg/spray	120
30-Dec-2016	TAB Apo- Baclofen	180
03-Jan-2017	CAP Creon 25	90
06-Feb-2017	TAB Apo-Bisoprolol 5mg	60
06-Feb-2017	CAP Xenical 120mg	30
06-Feb-2017	GM Anusol-HC Ointment	60
14-Feb-2017	CAP Apo-Hydroxyzine 50mg	30
26-Jun-2017	ML Ciprodex Otic Soln	7.5

9. Dr. Hurmatov did not maintain a patient charts for the family members to whom she prescribed and whom she treated.
10. Dr. Hurmatov did not bill OHIP for prescribing to and treating her family members.
11. Dr. Hurmatov engaged in this treatment of her family members during a period when she was suffering from depression and anxiety, and in the context of a difficult family dynamic. Since November 2017, Dr. Hurmatov's family members have been exclusively under the care of an unrelated family physician.

PART II – ADMISSION

12. Dr. Hurmatov admits the facts at paragraphs 1 to 11 above, and admits that, based on these facts, she engaged in professional misconduct under:
 - a) paragraph 1(1)2 of Ontario Regulation 856/93 made under the *Medicine Act, 1991*, in that she failed to maintain the standard of practice of the profession; and
 - b) paragraph 1(1)33 of O Reg. 856/93, in that she engaged in acts or omissions relevant to the practice of medicine that would be regarded by members as disgraceful, dishonourable or unprofessional.

FINDINGS

The Committee accepted as correct all of the facts set out in the Agreed Statement of Facts and Admission (Liability). Having regard to these facts, the Committee accepted Dr. Hurmatov's admission and found that she committed an act of professional misconduct in that she failed to maintain the standard of practice of the profession, and engaged in an act or omission relevant to the practice of medicine that would be regarded by members as disgraceful, dishonourable, or unprofessional.

AGREED STATEMENT OF FACTS (PENALTY)

The following Agreed Statement of Facts (Penalty) was filed as an exhibit and presented to the Committee:

1. On July 16, 2019, Dr. Hurmatov entered into an undertaking with the College by which, among other things, she permanently agreed not to issue new prescriptions or renew existing prescriptions for or administer any of the following substances, effective July 22, 2019:

- a) **Narcotic Drugs** (from the Narcotic Control Regulations made under the *Controlled Drugs and Substances Act*, S.C., 1996, c. 19);
- b) **Narcotic Preparations** (from the Narcotic Control Regulations made under the *Controlled Drugs and Substances Act*, S.C., 1996, c. 19);
- c) **Controlled Drugs** (from Part G of the Food and Drug Regulations under the *Food and Drugs Act*, S.C., 1985, c. F-27);
- d) **Benzodiazepines and Other Targeted Substances** (from the Benzodiazepines and Other Targeted Substances Regulations made under the *Controlled Drugs and Substances Act*, S.C., 1996, c. 19); and
- e) **Monitored Drugs** (as defined under the *Narcotics Safety and Awareness Act*, 2010, S.O. 2010, c. 22).

The undertaking is attached at Tab 1 to the Agreed Statement of Facts (Penalty).

PENALTY AND REASONS FOR PENALTY

Counsel for the College and counsel for Dr. Hurmatov made a joint submission as to an appropriate penalty and costs order which included: a public reprimand; a three-month suspension; terms, conditions and limitations on Dr. Hurmatov's certificate of registration

including successful completion of the PROBE ethics and boundaries course; and costs to the College in the amount of \$6,000.00.

Although the Committee retains the discretion to reject or accept a joint proposal, the Committee is aware that the threshold for rejecting a joint submission is high. This can only be done where, in the view of the Committee, the jointly proposed penalty would bring the administration of justice into disrepute, or is otherwise contrary to the public interest.

In considering the joint proposal, the Committee also had regard to the well-recognized principles underlying penalty orders. Protection of the public is the foremost consideration. The penalty imposed should also denounce the misconduct, be proportionate to the misconduct and serve as a specific deterrent to the member and a general deterrent to profession. Further, the penalty should maintain the integrity of the profession, and public confidence in the College's ability to regulate the profession in the public interest. Where possible, the penalty should address the rehabilitative needs of the member.

In deciding whether to accept the joint penalty proposed, the Committee carefully considered the nature of the misconduct, the principles of penalty as outlined above, factors in aggravation and mitigation of the penalty, the case law provided by the parties and the fact this was a joint proposal.

The Nature of the Misconduct

The Committee is frankly appalled by Dr. Hurmatov's widespread and longstanding failure to maintain the standard of practice of the profession, which is thoroughly documented in the two expert reports. Her prescribing practices, particularly with respect to opioids but also including her prescription of benzodiazepines, anxiolytics, and sedatives/hypnotics, fell well below the standard of practice of the profession, involved multiple patients and extended over a long period of time.

The abuse of opioids, and other potentially harmful substances, is a serious societal problem. Physicians who contribute to this problem through unsafe prescribing practices, such as those identified in this matter, must be held to account by their regulatory body. This is crucial for public protection and in the maintenance of the integrity of the profession, and public confidence in the College's ability to regulate the profession in the public interest.

Of the 40 charts reviewed by the two experts, it was their opinion that 32 charts demonstrated Dr. Hurmatov's failure to maintain the standard of practice of the profession with respect to her prescribing and related issues. These patients were at risk of harm as a result.

Furthermore, Dr. Hurmatov displayed an egregious lack of professionalism in writing multiple prescriptions for herself and for members of her family, again over an extended period of time. This is an obvious contravention of College policy which prohibits this practice, with certain limited exceptions, none of which apply to Dr. Hurmatov.

Aggravating Factor

The Committee considered the multifaceted and longstanding nature of the professional misconduct committed by Dr. Hurmatov to be an aggravating factor with respect to penalty.

Mitigating Factors

In terms of mitigation, the Committee accepts that Dr. Hurmatov has admitted to the allegations against her and has taken responsibility for her actions, thus greatly reducing hearing time and sparing witnesses the stress of having to testify in a contested hearing. Dr. Hurmatov's acceptance of the jointly-proposed penalty is indicative of insight into her misconduct which the Committee accepts as a mitigating factor.

The Committee notes also that the expert reports indicate that some aspects of Dr. Hurmatov's practice raise no concerns. In some areas, indeed, the quality of care that Dr. Hurmatov provided to her patients was high. While this does not mitigate the harm to which her patients were

exposed through her unsafe prescribing, it does suggest to the Committee that Dr. Hurmatov's deficiencies can be successfully remediated.

The Agreed Statement of Facts and Admission contains reference to the fact that Dr. Hurmatov was suffering from anxiety and depression at the material time, and was struggling with difficult family dynamics. The Committee heard no details with respect to these issues, and no evidence as to how mental health issues might have influenced Dr. Hurmatov's prescribing, presumably in terms of her prescribing for herself and her family. The Committee heard evidence that Dr. Hurmatov is currently receiving assistance with respect to her depression, and that her family is now under the care of other practitioners. These positive steps taken by Dr. Hurmatov are mitigating factors.

Dr. Hurmatov entered into an Undertaking with the College on July 6, 2019. This Undertaking, among other things, requires Dr. Hurmatov to resign her prescribing privileges with respect to Narcotic Drugs, Narcotic Preparations, Controlled Drugs, Benzodiazepines and Other Targeted Substances and Monitored Drugs. The position of the parties, as stated in the Agreed Statement of Facts (Penalty), is that Dr. Hurmatov's agreement not to prescribe these drugs will remain in place for an indefinite period. Dr. Hurmatov's willingness to voluntarily enter into this Undertaking is also a mitigating factor.

Dr. Hurmatov has no prior disciplinary history with the College. This is also a mitigating factor.

Prior Cases

The Committee reviewed previous cases of the Discipline Committee provided by the parties which bore some similarities to that of Dr. Hurmatov. The Committee recognizes that it can be guided by its previous decisions, although it is not bound by them. Each case will have unique facts or circumstances which must be taken into account in determining a just and appropriate penalty.

In *CPSO v. Redekopp* (2011), the death of a patient led to the College's investigation. The matter proceeded by way of an Agreed Statement of Facts and Admission and jointly proposed penalty.

Dr. Redekopp admitted to having failed to maintain the standard of practice of the profession in regards to his record keeping and narcotics prescribing. The Committee accepted the jointly proposed penalty consisting of a reprimand and terms, conditions and limitations on Dr. Redekopp's certificate of registration, including prescribing prohibitions with respect to narcotics and controlled drugs. Dr. Redekopp was also ordered to complete a medical record-keeping course and to pay hearing costs to the College.

In *CPSO v. Ruggles* (2016), Dr. Ruggles was found to have failed to maintain the standard of practice of the profession regarding her prescription of narcotics, and to have engaged in disgraceful, dishonourable or unprofessional conduct by treating an individual with whom she had a work-related association. Dr. Ruggles admitted the allegations and the parties made a joint submission on penalty which was accepted by the Committee. The penalty included a public reprimand, a two-month suspension, prescribing prohibitions with respect to narcotics and controlled drugs, and instruction in medical ethics. Dr. Ruggles was also ordered to pay costs to the College.

In *CPSO v. Irvine* (2011), Dr. Irvine was found to have engaged in disgraceful, dishonourable or unprofessional conduct by treating two members of his family over an extended period of time, in clear violation of the College's policy on this issue. He admitted to the allegations, and the Committee accepted a jointly proposed penalty which included a public reprimand and a four-month suspension of Dr. Irvine's certificate of registration. Dr. Irvine was also ordered to pay costs to the College.

In *CPSO v. Esmond* (2016), Dr. Esmond was found to have failed to maintain the standard of practice of the profession for deficiencies in his narcotic prescribing, and to have engaged in disgraceful, dishonourable or unprofessional conduct. Dr. Esmond treated a family member for many years, including making diagnoses, investigating, referring to specialists, and writing prescriptions, including those for psychotropic drugs. He also had clinical care issues with prescribing narcotics to his patients and rushed to prescribe major analgesics without considering non-pharmacologic modalities or less powerful analgesics. In addition, Dr. Esmond treated and was treated by another physician whom he supervised. The Committee's Order included a four-

month suspension; a prohibition against prescribing narcotics and other controlled substances, and the requirement that Dr. Esmond erect a sign in his waiting room informing the public of the prohibition. Dr. Esmond was also ordered to pay costs to the College.

Based on the Committee's review of these cases, which are similar in nature, the Committee finds that the proposed penalty falls within a reasonable range of penalties and is proportionate to the nature of the misconduct.

CONCLUSION

The Committee finds that the joint penalty proposed reflects the penalty principles as outlined above. The public reprimand will serve to denounce Dr. Hurmatov's actions, and send a message to the public and to the profession that this type of misconduct will not be tolerated. A three-month suspension of Dr. Hurmatov's certificate of registration is a significant sanction and should serve as both specific and general deterrence. Dr. Hurmatov's rehabilitative needs will be addressed, in part, through the successful completion of the PROBE Ethics and Boundaries program. Furthermore, the Committee is assured of public protection by Dr. Hurmatov having voluntarily entered into an Undertaking with the College to restrict her ability to prescribe narcotics and other controlled substances.

ORDER

The Committee stated its findings in paragraph 1 of its written order of July 22, 2019. In that order, the Committee ordered and directed on the matter of penalty and costs that:

2. Dr. Hurmatov attend before the panel to be reprimanded.
3. The Registrar suspend Dr. Hurmatov's certificate of registration for a period of three (3) months, commencing from July 23, 2019, at 12:01 a.m.
4. The Registrar place the following terms, conditions and limitations on Dr. Hurmatov's certificate of registration:

- a. Dr. Hurmatov will participate in the PROBE Ethics & Boundaries Program offered by the Centre for Personalized Education for Professionals, by receiving a passing evaluation or grade, without any condition or qualification. Dr. Hurmatov will complete the PROBE program within 6 months of the date of this Order, and will provide proof to the College of her completion, including proof of registration and attendance and participant assessment reports, within one (1) month of completing it.
5. Dr. Hurmatov pay costs to the College in the amount of \$6,000.00 within thirty (30) days from the date of this Order.

At the conclusion of the hearing, Dr. Hurmatov waived her right to an appeal under subsection 70(1) of the Code and the Committee administered the public reprimand.

Dated this 16th day of September, 2019.

TEXT of PUBLIC REPRIMAND
July 22, 2019
in the case of the
COLLEGE OF PHYSICIANS and SURGEONS of ONTARIO
and
Dr. Tetyana Yaremivna Hurmatov

Dr. Hurmatov,

The Panel is profoundly disturbed by your failure to maintain an acceptable standard of practice in the care of your patients and by your engaging in conduct that is disgraceful, dishonourable and unprofessional.

You have demonstrated severely deficient knowledge, skills and judgment in your prescribing of opioids and controlled drugs for many patients over many years. As a result, you have exposed them to very serious risks of harm or injury due to opioid overdose. You have failed in your role as a physician in helping to manage the very difficult societal problem of opioid addiction. In addition, you have improperly and inappropriately prescribed other medications, putting your patients at risk of impaired cognition, accidents, coma, respiratory depression and death. You have grossly violated the trust of your patients that you and physicians in general will act with competence, integrity and in their patients' best interest.

By prescribing and providing care for members of your family over an extended period of time, you have flagrantly disregarded the boundaries that are fundamental to proper and effective doctor/patient relationships. You have seriously risked the quality of their medical care and ultimately you have risked their health. The risks in treating oneself, as you have done, are even greater.

Dr. Hurmatov, your conduct has been abhorrent and is utterly unacceptable to the profession and the public. We hope that you have gained an understanding of the egregious deficiencies in your

care and your conduct. We trust that the PROBE course will assist you and that this experience and the reprimand and suspension will deter you from any such misconduct in the future.